

ADVISORY OPINION 93-008

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

May 20, 1993

Dr. W. Grady Stumbo, Chairman
Kentucky Democratic Party
PO Box 694
Frankfort, Kentucky 40602

Re: Advisory Opinion Request

Dear Dr. Stumbo:

Thank your for contacting the Registry.

The facts contemplated by your question could be described as follows:

The Democratic Party in Kentucky publishes a quarterly newspaper entitled, "The Democratic Voice." If lawful, the Kentucky Democratic Party would like to sell advertising space in "The Democratic Voice" to various advertisers, including corporations.

Your question may be stated as follows:

Is it lawful for the Kentucky Democratic Party to sell advertising space in its monthly newsletter to corporations?

KRS 121.150(21) states:

No candidate, slate of candidates, committee, except a political issues committee, or contributing organization, nor anyone on their behalf, shall knowingly accept a contribution from a corporation, directly or indirectly. Id. (Emphasis added.)

The short answer to your answer is yes. The Registry's view is since the Democratic Party of Kentucky contributes money to various Democratic Candidates on a statewide basis, those contributions would be, in part, indirect corporate contributions if the Kentucky Democratic Party received corporate funds for advertising charges and contributed those funds to campaigns. Therefore, the Kentucky Democratic Party may charge corporations for advertising in its publication, but it must charge regular rates for comparable publications and it must place the money it receives for advertising in its administrative accounts only to be used for party administrative expenses. Id. (See also Kentucky Const., §150.)

This opinion is based upon the question asked by your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull
General Counsel

TES/dt